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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,033

10/02/2003

Harold F. Booles

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7590

09/15/2004

Finnegan, Henderson, Farabow,
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EXAMINER

CYGAN, MICHAEL T

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,033

Applicant(s)

BOOLES, HAROLD F.

Examiner

Michael Cygan

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Webb (US 5,831,149). Webb discloses the claimed invention, a monitoring system comprising an annular pipe [Pr] in which liquid flows through the inner pipe and a monitoring annulus exists [Si] between the two pipes and a fitting [N] connecting the inner part of the annular pipe to a liquid source [Ps]. The fitting has a port [end face of 110] connected to the annular space [Si], and the port connected through annular space Si and through monitoring pipe [204,206] to means [301a] for detecting liquid leakage from the first pipe through change in an amount of vacuum in the annular space, where the pipe line is connected at one end thereof to an underground tank and at another end to an above ground dispenser. See entire document, particularly Figures 1, 2, and 17a; column 18 lines 3-24; column 11 lines 37+.
2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Webb (US 6,029,505). Webb discloses the claimed invention, a monitoring system

comprising an annular pipe [35,37] in which liquid flows through the inner pipe and a monitoring annulus exists [39] between the two pipes and a fitting [10] connecting the inner part of the annular pipe to a liquid source. The fitting has a port [17] connected to the annular space [39] to means for detecting liquid leakage from the first pipe through change in an amount of vacuum in the annular space, where the pipe line is connected at one end thereof to an underground tank and at another end to an above ground dispenser. See entire document, particularly Figures 6,10 and column 1 lines 45-62, column 6 lines 10-20, and column 7 line 17 through column 8 line 20.

3. Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Langner (US 6,171,025 B1). Langner discloses the claimed invention, a monitoring system comprising an annular pipe [10] in which liquid flows through the inner pipe and a monitoring annulus exists [36] between the two pipes and a fitting [38] connecting the inner part of the annular pipe to a liquid source. The fitting has a port [at 56] connected to the annular space [36] to means for draining liquid in the annular space into a container [36a], where the pipe line is connected at one end thereof to an underground tank [12] and at another end to an above ground dispenser [14]. The fitting has a second port [at 44C] connected to a means [44C] for detecting leakage. See entire document, particularly Figures 1-3, column 2 lines 12-27, and column 2 line 52 through column 3 line 55.

4. Claims 1, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Srock (US 5,884,657). Srock discloses the claimed invention, a monitoring system comprising an annular pipe [82] in which liquid flows through the inner pipe and a monitoring annulus exists [16] between the two pipes and a fitting [30] connecting the inner part of the annular pipe to a liquid source. The fitting has a port [at 90] connected to the annular space [16] to means for draining liquid in the annular space and a second port [at 57] connected to a means [57] for detecting leakage. See entire document, particularly Figure 10 and columns 6-7.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art neither discloses nor fairly teaches the use of a fitting having one port connected to a vacuum monitoring means and a second port adapted for removal of liquid leakage in a fitting and pipe system having the claimed attributes.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 6, and 7 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Annular pipe fittings are disclosed by Armenia (US 5,931,184) and Cochran (US 6,032,699).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cygan whose telephone number is (571) 272-2175. The examiner can normally be reached on 8:30-6 M-Th, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER